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IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of Before the Board of Appeals

Daisuke ITO et al.

Appeal No.:

Appl. No.: 09/933,197

Group: 2615

Filed: August 21, 2001

Examiner: T. HARRIS

Conf.: 6456

For: ELECTRONIC CAMERA AND REMOTE-CONTROL
OPERATION SYSTEM FOR EXTERNAL APPARATUS

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MS APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 30, 2004

Sir:

Transmitted herewith is an Appeal Brief (in triplicate) on behalf of the Appellants in connection with the above-identified application.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

A Notice of Appeal was filed on June 1, 2004.

☐ Applicant claims small entity status in accordance with 37 C.F.R. § 1.27

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Respectfully submitted,

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Attachment(s)

(Rev. 02/08/2004)



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FOR:	ELECTRONIC CAMERA AND REMOTE-CONTROL OPERATION SYSTEM FOR EXTERNAL APPARATUS

**APPEAL BRIEF ON BEHALF
OF APPELLANTS:
DAISUKE ITO et al.**

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 30, 2004

Sir:

I. REAL PARTY IN INTEREST

The real party in interest for this application is the Assignee, FUJI PHOTO FILM CO., LTD., No. 210, Nakanuma, Minami-Ashigara-shi, Kanagawa, JAPAN.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences pending with respect to the subject matter of the present application.

III. STATUS OF CLAIMS

Claims 1-7 and 9-24 remain pending. Claims 1, 2, 4, 5, 9, 11, 12, 15, 17, 23, and 24 are independent. No claims have been allowed.

IV. STATUS OF AMENDMENTS

No amendments have been presented after the Final Rejection.

V. SUMMARY OF THE INVENTION

The invention of the subject application provides for an electronic camera, which can be used as a remote-control for controlling an external apparatus. Fig. 1 is a front view of a digital camera of one presented embodiment and the invention operation may be understood from a review of this embodiment. As seen from Fig. 1, a digital camera (electronic camera) 10 is provided with a taking lens 12, a finder aperture 14, a strobe 16, a strobe emission adjusting sensor 18, a self-timer LED 20, and a CCD image sensor (not shown in Fig. 1 but recited with a reference number 60 in Fig. 4) as an imaging device, are arranged. A reference number 21 is a grip. Although not shown in the drawings, a card slot of a memory card (recited as a reference number 82 in Fig. 4), a digital input/output terminal, a video output terminal, and a DC power source terminal, are provided to the grip 21 and to a side face of the digital camera 10 which is opposite to the grip 21. Moreover, the digital camera 10 has a function for exchanging data via a wireless communication with, for example, a faint electric wave (e.g. a communication interface for Bluetooth). (Specification, page 4, lines 10-19)

The digital camera 10 has a wireless communication part 84 by which image data and the respective signals can be exchanged. An EEPROM 86 stores identification data (ID data) for specifying a communication correspondence and external equipment with which the CPU 50

determines equipment to be communicated with. The CPU 50 also encodes data to be transmitted by using the identification data of the communication correspondence and transmits the data from the wireless communication part 84.

Fig. 5 is a schematic view of a system which is a combination of the digital camera 10 and a personal computer 90, which comprises a body 92, a display 94, keyboards 96, and a mouse 98, and which is provided with a wireless communication part 100 like the digital camera 10 and thus has a function to exchange the image data and the respective signals through the wireless communication part 100.

Now, an operation of the digital camera (electronic camera) 10 and the personal computer 90 which are thus constructed in an embodiment will be described.

Fig. 6 is a view of a communication sequence of the digital camera 10 and the personal computer (PC) 90. After a taking operation by the digital camera 10, the body of the camera is set at an off state or a sleep state by an operating part 52. In the digital camera 10 and the PC 90, identification data identifying the digital camera 10 and PC 90 are registered with the respective components beforehand. When the digital camera 10 comes close to the external apparatus (in this case the PC 90), and comes closer than the predetermined distance to communicate with each other, the PC 90 outputs an "INQUIRY" signal, and enables the digital camera 10 in an operating mode via a wireless communication using the identification data.

The digital camera 10 which has received the "INQUIRY" signal from the PC 90 returns an "INQUIRY RESPONDED" to the PC 90, which then outputs "REQUEST CONNECTION". When the digital camera 10 returns "CONNECTION RESPONDED", the PC 90 transmits "REQUEST IMAGE". In response to receiving of "REQUEST IMAGE", the digital camera 10

transfers to the PC 90, via a wireless communication, a newly taken image which has not been recorded in the PC 90 among the image data recorded in the body of the digital camera 10.

Identification data (ID data) of the respective devices has been registered with the corresponding devices beforehand. When a communication channel is established, the contents of the transmitted data are encoded based on the identification data of the respective device whereby security is protected.

The PC 90 which received the data of the newly taken image from the digital camera 10 decodes the encoded data so that the image can be viewed. At the PC 90 side, the image transmitted from the digital camera 10 is classified in accordance with accessory data such as date and taking conditions which are attached to the respective image data, and the image is displayed to the user by a folder display under an assumption that the image is stored in a virtual folder with respect to the classification keys. The virtual folder display is presented to the display 92 of the PC 90 or the liquid crystal monitor 28 of the digital camera 10, or both of them. Therefore, the user can quickly select a desired image to view.

The PC 90 transmits "REQUEST SCREEN DISPLAY" and necessary data to the digital camera 10, which then returns "SCREEN DISPLAY RESPONDED". The PC 90 which has received "SCREEN DISPLAY RESPONDED" performs image display on the display 94 in accordance with the display instruction (refer to Fig. 7). In a state where an image is being displayed, remote-controlled operations such as forwarding a page of displayed images, enlarging display, and deletion of image are then possible by using operation keys like the four-direction button 32 of the digital camera 10 and other keys. At that time, an operating guide may also be displayed on the liquid monitor 28 of the digital camera 10 for showing a relationship between operation contents and operation keys.

The PC 90 outputs "REQUEST TRANSMITTING WITH KEY INPUT", and waits for a key input from the digital camera 10. When the user performs a predetermined operation from the operating part 52 of the digital camera 10, the digital camera 10 transmits a command corresponding with the operation, that is, "KEY INPUT RESPONDED". The PC 90 executed a corresponding process in accordance with the received command. When the digital camera 10 or the PC 90 instructs completion of a communication, the data exchanging is completed.

Fig. 6 has shown an example where the digital camera 10 automatically enters into a communication mode when returning from a sleeping state (inactive state) so as to serve as a remote-controlled transmitting device; however, a mode may be switched by a predetermined operation by the operator.

Fig. 7 shows a state where a viewed image 102 is displayed on the display 94. Fig. 8 is a flowchart showing a process of the digital camera 10. As seen from the flowchart, identification data of the external equipment to be communicated with (the PC 90 in this example) is inputted (Step S810). As the digital camera 10 and the PC 90 come to each other within a predetermined range of distance, they automatically set up a communication so as to exchange data and perform a process for selecting a device to be connected with (Step S812).

Then, the PC 90 receives a request signal (Step S814), and a process corresponding with contents of the received request is performed (Steps S816 through S822). If the PC 90 receives "REQUEST IMAGE TRANSMITTING", it performs a process for image transmitting (Step S816). If the PC 90 receives "REQUEST DISPLAY ON SCREEN", it performs a process for designating an image to be displayed on the screen (Step S818). If the PC 90 receives "REQUEST TRANSMITTING WITH KEY INPUT", it transmits a key signal accompanied by

an operation with a key (Step S820). After Steps S816, S818, or S820, the process returns to Step S814.

When a command "COMMUNICATION COMPLETED" is received at Step S814, the above-described communication process is completed (Step S822).

Fig. 9 is a flowchart showing a process of the personal computer (PC) 90. As seen from Fig. 9, the PC 90 requests a connection to the digital camera 10 (Step S910), and requests image transmitting to the digital camera 10 (Step S912) after receiving a response. When receiving the image data, the PC 90 then requests displaying the image on the screen (Step S914). When the digital camera 10 designates an image to be displayed through a remote-controlled operation, the image related to the designation is displayed on the display 94 (Step S916).

After that, the PC requests transmitting with a key input (Step S918), and waits for an input of an instruction from the digital camera 10, then a process corresponding with contents of the received key signal is performed (Steps S920 through S928). In this process, operations corresponding with the key signal is defined by the PC 90. When receiving a key signal corresponding with pressing of the right key of the four-direction button 32, the PC performs a process for forwarding pages (Step S920), whereby an image of the next frame is displayed on the display 94.

When receiving a key signal corresponding with pressing of the left key of the four-direction button 32, the PC 90 performs a process for reversing a page (Step S922), whereby an image of a previous frame is displayed on the display 94.

When receiving a key signal corresponding with pressing of the up key of the four-direction button 32, the PC 90 performs a process for enlarging a current image by a reproduction zoom function (Step S924). Moreover, when receiving a key signal corresponding

with pressing of the down key of the four-direction button 32, the PC performs a process for reducing an image (“zoom-down process”) which is enlarged and displayed (Step S926). After Steps S920, S922, S924, or S926, the process returns to Step S916, and the displayed contents are changed. When receiving a key signal corresponding with pressing of the cancel/return button 44 (“CANCEL”) at Step S928, the communication is completed (Step S928).

As described hereinabove, according to an embodiment of the present invention, a remote-controlled operation of an external apparatus is possible by using a wireless communication means for transmitting image data in order to transmit operation data of the operating part of the body of the camera. Therefore, the electronic camera of the present invention can seamlessly (=smoothly) perform a connective operations with the external equipment, and the user can perform a variety of processes such as taking, deleting, and storing of an image, by operating the electronic camera by hand without touching the external apparatus. (Specification, page 8, line 17 through page 11, line 21).

The foregoing description has been made to comply with the Patent Office rules regarding submitted briefs and is not to be considered as limiting the claimed invention.

VI. THE GROUNDS OF REJECTION

The Examiner has rejected claims as follows:

Claims 1, 3-4, 6, 10, 12-14, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* (USP 5,953,481) (hereinafter “*Watanabe*”) in view of *Freeman* (USP 5,579,239) (hereinafter “*Freeman*”);

Claims 2, 5, 7, 9, 11, 15, and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* in view of *Freeman* and *Matsumoto* (USP 5,796,428) (hereinafter "*Matsumoto*");

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* in view of *Freeman* and further in view of *Peters* (USP 6,601,093) (hereinafter "*Peters*");

Claims 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* in view of *Freeman* and *Matsumoto* and further in view of *Peters*;

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* in view of *Freeman* and *Peters*; and

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* in view of *Freeman* and *Matsumoto* and further in view of *Peters*.

VII. ISSUES ON APPEAL

The issues to be resolved in this application are:

(1) Whether claims 1, 3-4, 6, 10, 12-14, and 16 are unpatentable under 35 U.S.C. § 103(a) based on the teachings of *Watanabe* in view of *Freeman*;

(2) Whether claims 2, 5, 7, 9, 11, 15, and 17-19 are unpatentable under 35 U.S.C. § 103(a) based on the teachings of *Watanabe* in view of *Freeman* and *Matsumoto*;

(3) Whether claim 20 is unpatentable under 35 U.S.C. § 103(a) based on the teachings of *Watanabe* in view of *Freeman* and further in view of *Peters*;

(4) Whether claims 20-22 are unpatentable under 35 U.S.C. § 103(a) based on the teachings of *Watanabe* in view of *Freeman* and *Matsumoto* and further in view of *Peters*;

(5) Whether claim 23 is unpatentable under 35 U.S.C. § 103(a) based on the teachings of *Watanabe* in view of *Freeman* and *Peters*; and

(6) Whether claim 24 is unpatentable under 35 U.S.C. § 103(a) based on the teachings of *Watanabe* in view of *Freeman* and *Matsumoto* and further in view of *Peters*.

VIII. GROUPING OF CLAIMS

All claims are separately grouped and argued.

IX. ARGUMENT

A. Issue (1): The *Watanabe* and *Freeman* Rejection Under 35 U.S.C. § 103(a)

1. Argument Summary

The Examiner's rejection of claims 1, 3-4, 6, 10, 12-14, and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* in view of *Freeman* fails to establish *prima facie* obviousness. Generally, the deficiencies of the rejection are that (a) the rejection attributes certain claimed features to the primary reference, *Watanabe* that a detailed reading of the reference reveals are not taught therein; (b) when the nature and purpose of the reproducing apparatus suggested by *Watanabe* is recognized, it is evident that there is no suggestion or motivation cited in support of the rejection, cited in the reference itself, or in knowledge generally available to those skilled in the art to combine *Freeman* in a manner asserted by the rejection; and (c) by asserting that wireless transmission as suggested in *Freeman* combined with the reproducing apparatus in *Watanabe* would have been obvious without a proper suggestion or motivation in the applied references or elsewhere to make the asserted modifications, the rejection appears to rely on impermissible hindsight reasoning.

Further, in considering the Examiner's support for her rejection of the claims, the Examiner improperly relies on a modified teaching of the Freeman reference. The Examiner asserts that *Watanabe*, the primary reference, teaches combining the camera 1 and the remote unit 2 of *Freeman*. Based upon this modified teaching, the Examiner asserts that *Freeman* teaches the camera wirelessly transmitting image data. The Examiner concludes it would be obvious to one of ordinary skill in the art to modify *Watanabe* with the modified teaching of *Freeman* in order to render the claimed invention obvious. Appellants submit this practice of using a modified teaching of *Freeman*, the secondary reference, to modify *Watanabe*, the primary reference, is improper.

2. The Legal Requirements of *Prima Facie* Obviousness

To establish *prima facie* obviousness, all claim limitations must be taught or suggested by the prior art and the asserted modification or combination of the prior art must be supported by some teaching, suggestion, or motivation in the applied references or in knowledge generally available to one skilled in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The prior art must suggest the desirability of the modification in order to establish a *prima facie* case of obviousness. In re Brouwer, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1995). It can also be said that the prior art must collectively suggest or point to the claimed invention to support a finding of obviousness. In re Hedges, 783 F.2d 1038, 1041, 228 USPQ 685, 687 (Fed. Cir. 1986); In re Ehrreich, 590 F.2d 902, 908-909, 200 USPQ 504, 510 (C.C.P.A. 1979).

The teaching or suggestion to make the asserted combination or modification of the primary reference must be found in the prior art and cannot be gleaned from appellant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). "There are three

possible sources for a motivation to combine references: the nature of the problem to be resolved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art.” In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). In other words, the use of hindsight to reconstruct the claimed invention is impermissible. Uniroyal Inc. v. Rudlan-Wiley Corp., 5 USPQ 1434 (Fed. Cir. 1983).

When considering the differences between the primary reference and the claimed invention, the question for assessing obviousness is not whether the differences themselves would be been obvious, but instead whether the claimed invention as a whole would have been obvious. Stratoflex Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983).

“In order to rely on a reference as a basis for rejection of an Appellant’s invention, the reference must either be in the field of Appellant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992); see also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 158, 1060-61 (Fed. Cir. 1992).

3. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 1

a. The Teachings of *Watanabe* are Insufficient to Allow for the Combination of the Camera and Remote Unit of *Freeman*

Independent claim 1 is directed to an electronic camera including a body; a control part provided to the body, the control part being operated by a user; and a wireless communication device which transmits image data. The wireless communication device further transmits operation information corresponding with operation of the control part to an external apparatus to remotely control the external apparatus. Additionally, the wireless communication device

transmits at least one of the image data and the operation information when the camera is within a predetermined distance of the external apparatus.

In maintaining the rejection of independent claim 1 based on *Watanabe* and *Freeman*., the Final Office Action (Paper 17) asserts on page 3, lines 3-16, as follows:

Watanabe discloses a reproducing apparatus having an editing function. This apparatus includes a camera-integrated type VTR that comprises a body (10), a control part provided to the body (5), the control part being operated by a user, communication device which transmits image data (col. 10, lines 16-20), and a wireless communication device (3) that transmits operation information corresponding with operation of the control part to an external apparatus to remotely control the external apparatus (Col. 9, lines 61-67; Col. 10, Lines 1-38). *Watanabe* does not specifically disclose the wireless communication device transmits image data.

Freeman discloses a remote video transmission system wherein image data is transmitted wirelessly from a camera-integrated device (1,2) to an external apparatus (3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made that the image data transmitted by *Watanabe* would be transmitted wirelessly, in the manner taught by *Freeman*, so communication would be made easier by being accessible in areas where standard lines are inaccessible.

The Examiner admits that *Watanabe et al.* does not disclose the wireless communication device transmitting image data. The Examiner relies on *Freeman et al.* to disclose a remote video transmission system where image data is transmitted wirelessly from a camera-integrated device (1, 2) to an external device (3). During the interview conducted on March 12, 2003, the Examiner explained that she was relying on the teachings of *Watanabe et al.* to teach a camera-integrated type VTR. Based upon this teaching of *Watanabe et al.*, the Examiner asserts that video camera 1 and remote unit 2 may be combined. Appellants respectfully disagree with the Examiner's characterization of these references and her conclusions that the video camera 1 and remote unit 2 may be combined.

Watanabe et al. discloses a camera-integrated type VTR 10 which has an editing function for editing video signals recorded on a recording medium such as magnetic tape, in conjunction with a stationary type VTR 11, which is remotely operable. The camera-integrated VTR 10 is provided with a recording and reproducing part 1 for recording and reproduction. The recording and reproducing part 1 includes a system control part 2 arranged to control the processes of the editing function as well as control over the whole apparatus, a remote-control signal transmitting part 3, a remote-control code storing part 4, and an input key group 5 provided for input of data of various kinds, a character generating circuit 6 and a viewfinder 7 (col. 7, line 62 - col. 8, line 7).

The remote video transmission system taught by *Freeman et al.*, however, discloses a device having the capacity to output a video signal 1, such as a video camera, video cassette recorder/player, laser disc player, etc., and a remote unit 2 which is designed to be portable so that it can be transported and used in areas which are inaccessible or unsuited for a conventional desktop personal computer. In the preferred embodiment, *Freeman et al.* teaches the remote unit being a portable personal computer having a 486DX-2/66 motherboard, 10-inch plasma display, 210 MB notebook hard disk drive, MS DOS Vet. 6.2 operating system, Microsoft® Windows™ Ver. 3.1, Microsoft® Video for Windows, Procom Plus® for Windows, trackball bus mouse, high speed serial ports, 1 MB Windows accelerator video card, video capture card with capture module, audio capture card, SVGA to NTSC converter, SVGA video adapter. The remote unit also has up to four computer interfaces such as modems, each connected to a cellular telephone.

A signal is input into remote unit 2 from any device having the capacity to output a video signal 1, such as a video camera, video cassette recorder/player, laser disc player, et c. The video signal received by the remote unit can be of any generally known format, such as NTSC, PAL,

and Y/C video (or S video). The remote unit 2 is designed to be portable so that it can be transported and used in areas which are inaccessible or unsuited for a conventional desktop personal computer. (Col. 4, ll. 17-36).

Watanabe teaches integrating a camera with a VTR, not a personal laptop computer. Clearly, the laptop computer is a more sophisticated and expensive device with additional functionality that is not present in the VTR of *Watanabe*. It is respectfully submitted that the Examiner is extending beyond the teachings of *Watanabe* in asserting that video camera 1 may be combined with remote unit 2 as set forth in *Freeman*, and that the teachings of *Watanabe* are insufficient to teach the combination of the camera 1 and the remote unit 2 of *Freeman*.

In addition, *Watanabe* teaches away from the purported combination as asserted by the Examiner. *Watanabe* seeks to provide a reproducing apparatus which can be produced at a low cost and which is simply operable for carrying out an editing function for editing information signals recorded on a recording medium. (*Watanabe*, col. 5, lines 43-48). It is respectfully submitted that the resultant device of a camera 1 integrated with remote unit 2 would be a more sophisticated and more expensive machine that is not simply operable. This appears to be directly contrary to the object of the invention as recited by *Watanabe*, namely providing for a low cost and simply operable device. As such, it is respectfully submitted that combination of the camera 1 and the remote unit 2 of *Freeman* is improper.

b. The Rejection Fails to Provide Valid Motivation to Modify the Teachings of *Freeman* with the Teachings of *Watanabe*

Appellants respectfully submit that there is no motivation to use the teachings of *Watanabe* in combining the video camera and the remote unit of *Freeman*. *Watanabe* seeks to provide a reproducing apparatus which can be produced at a low cost and which is simply operable for carrying out an editing function for editing information signals recorded on a

recording medium. (*Watanabe*, col. 5, lines 43-48). It is respectfully submitted that one of ordinary skill in the art, seeking to solve the problem of providing a highly portable cost-effective method and apparatus for capturing and transmitting broadcast quality video from a remote location to a base location, would not consider combining the video camera and the remote unit as described in *Freeman* as a portable personal computer having a 486DX-2/66 motherboard, 10-inch plasma display, 210 MB notebook hard disk drive, MS DOS Vet. 6.2 operating system, Microsoft® Windows™ Ver. 3.1, Microsoft® Video for Windows, Procom Plus® for Windows, trackball bus mouse, high speed serial ports, 1 MB Windows accelerator video card, video capture card with capture module, audio capture card, SVGA to NTSC converter, SVGA video adapter.

c. The References Fail to Teach All the Elements of the Claimed Invention, Thus Failing to Establish *Prima Facie* Obviousness of Independent Claim 1

As noted above, relying on the teachings of *Watanabe* to combine the camera and remote unit of *Freeman* are improper. Further, the teachings of *Freeman* are insufficient to cure the deficiencies of the teachings of *Watanabe*.

It is respectfully submitted that *Freeman* teaches a remote video system for digitizing and compressing an audio/visual signal and transmitting the signal over low band width lines, and decompressing the digitized data and converting it to an audio/visual signal for broadcast. Specifically, *Freeman* teaches at col. 4, lines 28-38 as follows:

A signal is input into remote unit 2 from any device having the capacity to output a video signal 1, such as a video camera, video cassette recorder/player, laser disc player, etc. The video signal received by the remote unit can be of any generally known format, such as NTSC, PAL, and Y/C video (or S video). The remote unit 2 is designed to be portable so that it can be transported and used in areas which are inaccessible or unsuited for a conventional desktop personal computer. It is understood,

however, that remote unit 2 could be a desktop computer or have variations in its internal configuration.

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, an electronic camera comprising a wireless communication device, which transmits image data. It is respectfully submitted that while *Freeman* discloses the transmission of a video signal from the electronic camera to remote unit 2, there is no teaching or suggestion that the transmission is conducted wirelessly. The Examiner admitted that *Watanabe* does not teach this feature. Thus, *Freeman* fails to cure the deficiencies in the teachings of *Watanabe*, assuming these references are combinable which Appellants do not admit. As such, the Examiner has failed to establish *prima facie* obviousness by failing to provide references that teach or suggest all of the claimed elements set forth in claim 1. Thus, claim 1 is not obvious over *Watanabe* in view of *Freeman*.

d. The Rejection Fails to Provide Valid Motivation to Modify the Teachings of *Watanabe* with the Teachings of *Freeman*

The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made that the image data transmitted by *Watanabe* would be transmitted wirelessly, in the manner taught by *Freeman*, so communication would be made easier by being accessible in areas where standard lines are inaccessible. Appellants respectfully submit that there is no motivation to use the teachings of *Freeman* in combination with the teachings of *Watanabe*.

It appears that the Examiner extracts this motivation from *Freeman*, col. 9, lines 25-35, where *Freeman* comments that the remote unit 2 is designed to preferably include cellular telephones to allow transmission of files from areas, which are inaccessible to standard telephone lines. However, as noted above, *Watanabe* seeks to provide a reproducing apparatus which can be produced at low cost and which is simply operable for carrying out an editing function for

editing information signals recorded on a recording medium, by using a remotely operable external recording apparatus in conjunction therewith (col. 5, lines 43-48). By incorporating the teachings of *Freeman*, it appears the Examiner is suggesting that *Watanabe* incorporate the functionality of a Personal Computer and a cellular telephone within the recording apparatus. However, *Watanabe* appears to teach away from this combination as *Watanabe* seeks to provide a low cost reproducing apparatus that is simply operable for carrying out editing functions. As such, Appellants respectfully submit that the motivation suggested by the Examiner for combining the teachings of the cited references is improper. As there is no motivation to combine the teachings of the cited references, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103.

Further, by asserting that it would have been obvious to modify *Watanabe* with the teachings of *Freeman* with no suggestion or motivation in the applied references, or elsewhere, to do so, the rejection appears to rely on impermissible hindsight.

4. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 3

Claim 3 depends directly from claim 1. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* fails to establish *prima facie* obviousness of claim 3 for at least the reasons set forth above concerning claim 1. Appellants also submit that dependent claim 3 is separately patentable and offers the following additional argument for the invention of claim 3.

In support of the Examiner's rejection of claim 3, the Examiner asserts as follows:

Watanabe further discloses a storing device that stores identification information for specifying the external apparatus (col. 8, lines 8-12) and a specifying device (5) that specifies the external apparatus from the identification information stored in the storing device. *Freeman* further discloses compressing the image data, transmitting the data, and

then decompressing the image data at the external apparatus (Abstract, lines 1-6). *Freeman* also discloses an encoding device that encodes, according to the identification information, at least one of the image data and the operation information and decoding device that decodes, according to the indication information, the encoded data received from the electronic camera (col. 6, lines 44-49; col. 7, lines 21-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to compress and decompress the image data transmitted by *Watanabe*, in the manner taught by *Freeman*, to be able to use low band width lines and reduce time needed to transmit data across the lines. It would have been further obvious to encode one of the image data and operation information, and decode the encoded data, in the manner taught by *Freeman*, to ensure accurate data is sent to the appropriate external device.

Appellants respectfully disagree with these assertions. *Freeman* teaches that the remote unit is capable of digitizing and compressing the audio/visual signal as well as transmitting the compressed digitized data (Abstract). However, the present invention as set forth in claim 3 recites, *inter alia*, an electronic camera as set forth in claim 1, further comprising an encoding device that encodes, according to the identification information, at least one of the image data and the operation information. It is respectfully submitted that while *Freeman* discloses compression/decompression in general, neither *Freeman* nor *Watanabe*, either alone or in combination teach or suggest an encoding device that encodes, according to identification information, at least one of image data and the operation information. As such, it is respectfully submitted that claim 3 is not obvious over *Watanabe* in view of *Freeman*.

5. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 4

Independent claim 4 is directed to an external apparatus, which is remotely controlled by an electronic camera. The external apparatus includes a wireless communication device which communicates with the electronic camera, including receiving image data and operation information corresponding with operation of a control part provided to the electronic camera, the

control part being operated by a user, at least one of the image data and the operation information being encoded according to identification information of the external apparatus; and a decoding device that decodes, according to the identification information, the encoded data received from the electronic camera.

In maintaining the rejection of independent claim 4 based on *Watanabe* and *Freeman*, the Final Office Action appears to specifically recite any of the elements as set forth in the claim. However, as noted above with regard to claim 1, the stationary type VTR does not teach or suggest wirelessly receiving image information. Further, as noted above with regard to claim 1, *Freeman* fails to cure the deficiencies of the teachings of *Watanabe* as *Freeman* fails to teach or suggest a wireless communication device that receives image data from an electronic camera. Thus, neither of the references, either alone or in combination, assuming these references are combinable, with Appellants do not admit, teach or suggest “a wireless communication device which communicates with the electronic camera, including receiving image data and operation information corresponding with operation of a control part provided to the electronic camera, the control part being operated by a user, at least one of the image data and the operation information being encoded according to identification information of the external apparatus. As the Examiner has failed to provide references that teach or suggest all of the claim elements, the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. As such, claim 4, is not obvious over the references as cited by the Examiner.

6. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 6

Claim 6 depends directly from claim 4. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* fails to establish *prima facie* obviousness of claim 6 for at least the reasons set forth above concerning claim 4.

Appellants also submit that dependent claim 6 is separately patentable and offers the following additional argument for the invention of claim 6.

As discussed above with regard to claim 4, neither of the references, either alone or in combination teach or suggest “a wireless communication device which communicates with the electronic camera, including receiving image data and operation information corresponding with operation of a control part provided to the electronic camera, the control part being operated by a user, at least one of the image data and the operation information being encoded according to identification information of the external apparatus.” As the Examiner has failed to provide a reference that teaches or suggests the element of claim 4, in combination with the elements as recited in claim 6, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 6 is patentable over the references as cited by the Examiner.

7. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 10

Claim 10 depends directly from claim 1. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* fails to establish *prima facie* obviousness of claim 10 for at least the reasons set forth above concerning claim 1. Appellants also submit that dependent claim 10 is separately patentable and offers the following additional argument for the invention of claim 10.

As discussed above with regard to claim 1, neither of the references, either alone or in combination teach or suggest “a wireless communication device which transmits image data.” As the Examiner has failed to provide a reference that teaches or suggests the element of claim 1, in combination with the elements as recited in claim 10, it is respectfully submitted that the

Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 10 is patentable over the references as cited by the Examiner.

8. The References Fail to Teach All the Elements of the Claimed Invention,
Thus Failing to Establish *Prima Facie* Obviousness of Independent Claim
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As noted above with regard to claim 1, the Examiner's reliance on the teachings of *Watanabe* to combine the camera and remote unit of *Freeman* are improper. Further, as noted above with regard to claim 1, the motivation provided by the Examiner is insufficient to establish *prima facie* obviousness. In addition to these deficiencies, the teachings of *Freeman* are insufficient to cure the deficiencies of the teachings of *Watanabe* with regard to claim 12.

It is respectfully submitted that *Freeman* teaches a remote video system for digitizing and compressing an audio/visual signal and transmitting the signal over low band width lines, and decompressing the digitized data and converting it to an audio/visual signal for broadcast. Specifically, *Freeman* teaches at col. 4, lines 28-38 as follows:

A signal is input into remote unit 2 from any device having the capacity to output a video signal 1, such as a video camera, video cassette recorder/player, laser disc player, etc. The video signal received by the remote unit can be of any generally known format, such as NTSC, PAL, and Y/C video (or S video). The remote unit 2 is designed to be portable so that it can be transported and used in areas which are inaccessible or unsuited for a conventional desktop personal computer. It is understood, however, that remote unit 2 could be a desktop computer or have variations in its internal configuration.

In contrast, the present invention as set forth in claim 12 recites an electronic camera comprising a body; a control part provided to the body; and a wireless communication device which transmits image data and information relating to image data for storage on an external apparatus, wherein the wireless communication device further transmits operation information

corresponding with operation of the control part to the external apparatus to remotely control the external apparatus.

It is respectfully submitted that while *Freeman* discloses the transmission of a video signal from the electronic camera to remote unit 2, there is no teaching or suggestion that the transmission is conducted wirelessly. The Examiner admitted that *Watanabe* does not teach this feature. Further, there is no disclosure in either reference that teaches or suggests “a wireless communication device which transmits image data and information relating to image data for storage on an external apparatus” as recited in claim 12. As *Freeman* fails to cure the deficiencies in the teachings of *Watanabe*, assuming these references are combinable which Appellants do not admit the Examiner has failed to establish a *prima facie* case of obviousness by failing to provide references that teach or suggest all of the claimed elements set forth in claim 1. Thus, claim 1 is not obvious over *Watanabe* in view of *Freeman*.

9. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 13

Claim 13 depends indirectly from claim 1. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* fails to establish *prima facie* obviousness of claim 13 for at least the reasons set forth above concerning claim 1. Appellants also submit that dependent claim 13 is separately patentable and offers the following additional argument for the invention of claim 13.

As discussed above with regard to claim 1, neither of the references, either alone or in combination teach or suggest “a wireless communication device which transmits image data.” As the Examiner has failed to provide a reference that teaches or suggests the element of claim 1, in combination with the elements as recited in claim 13 and the elements of intervening claim 10,

it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 13 is patentable over the references as cited by the Examiner.

10. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 14

Claim 14 depends indirectly from claim 1. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* fails to establish *prima facie* obviousness of claim 14 for at least the reasons set forth above concerning claim 1. Appellants also submit that dependent claim 14 is separately patentable and offers the following additional argument for the invention of claim 14.

As discussed above with regard to claim 1, neither of the references, either alone or in combination teach or suggest “a wireless communication device which transmits image data.” As the Examiner has failed to provide a reference that teaches or suggests the element of claim 1, in combination with the elements as recited in claim 14 and the elements of intervening claim 10, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 14 is patentable over the references as cited by the Examiner.

11. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 16

Claim 16 depends indirectly from claim 1. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* fails to establish *prima facie* obviousness of claim 16 for at least the reasons set forth above concerning claim 1. Appellants also submit that dependent claim 16 is separately patentable and offers the following additional argument for the invention of claim 16.

As discussed above with regard to claim 1, neither of the references, either alone or in combination teach or suggest “a wireless communication device which transmits image data.”

As the Examiner has failed to provide a reference that teaches or suggests the element of claim 1, in combination with the elements as recited in claim 16 and the elements of intervening claims 10 and 13, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 16 is patentable over the references as cited by the Examiner.

B. Issue (2): The *Watanabe, Freeman and Matsumoto* Rejection Under 35 U.S.C. § 103(a)

1. Argument Summary

The reasoning provided in support of the rejection of claims 2, 5, 7, 9, 11, 15, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe, Freeman and Matsumoto* fails to establish *prima facie* obviousness. Generally, the deficiencies of the rejection are that the rejection attributes certain claimed features to the primary and secondary references that a detailed reading of the reference reveals are not taught therein and that there is no motivation to combine the references as asserted by the Examiner.

The legal requirements for establishing *prima facie* obviousness are set forth above.

2. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 2

a. The References Cited Fail to Teach or Suggest All of the Claim Elements

Independent claim 2 is directed to an external apparatus, which is remotely controlled by an electronic camera. The external apparatus includes a wireless communication device which communicates with the electronic camera to receive image data and accessory information attached to the image data, the wireless communication device further receiving operation information corresponding with operation of a control part provided to the electronic camera, the control part being operated by a user; a processor configured to classify images received from

the electronic camera into image groups according to the accessory information and create virtual folders, each of the virtual folders comprising each of the image groups; and a displaying device which displays the virtual folders.

In support of the Examiner's rejection of claim 2, the Examiner asserts in Paper 17, page 4, line 22 through page 5, line 19 as follows:

Watanabe in view of *Freeman* discloses an image reproducing apparatus as discussed above, and *Watanabe* further discloses the external apparatus comprises a wireless communication device 12 that communicates with the camera to receive accessory information. Not specifically disclosed in the inventions of *Watanabe* and *Freeman* is a processor configured to classify images received from the camera into image groups according to the accessory information and create virtual folders, each of the virtual folders comprising each of the image groups, and displaying device which displays the virtual folders.

Matsumoto discloses an electronic photography system. Image data is captured by image capturing unit (101) and stored along with attribute data of the picture image data (col. 7, lines 53-56). The storage/display unit accepts the attribute and image data from the image-capturing unit, display controller (112) creates album data based on the image and attribute data (col. 7, lines 57-61; col. 8, lines 18-19), and displays data on display (113). Display controller (112) classifies images received from image capturing unit (101) into groups according to attribute information and creates albums (virtual folders) that contain the image groups (col. 9, lines 53-56; see Figs. 5, 7, 8), and display device (113) displays the albums (virtual folders).

It would have been obvious to one having ordinary skill in the art at the time the invention was made that auxiliary data could be used to group images taken by the apparatus disclosed by *Watanabe* in view of *Freeman* into "albums" based on the attribute data, in the manner taught by *Matsumoto*, to designate which folder to put images in, to keep related pictures together in a place where they are easily accessible, and to minimize rearrangement and loss of pictures.

Appellants respectfully disagree with these assertions.

The disclosure of *Matsumoto* is directed to an electronic photography system, which displays images captured by an image capturing unit. Specifically, *Matsumoto* teaches that as

image data is captured, the date and time when picture image data is captured and are used as attribute data of the picture image data and stored in the storage unit 104 together with the picture image data (col. 7, lines 53-56). Additionally, *Matsumoto* teaches, for example, in Fig. 5, that upon the user selecting icon 505, “this causes the image storage/display unit to be put in such a mode that a new album can be generated.” (col. 9, line 65 through col. 10, line 2). As can be seen in Fig. 5, the album list includes, for example, “memories of childhood”, “wonderful days in university life”, etc. As such, *Matsumoto* teaches that these albums are generated by the user.

In contrast, the present invention of claim 2 recites, *inter alia*, a processor configured to classify images received from the electronic camera into image groups according to the accessory information and create virtual folders, each of the virtual folders comprising each of the image groups. There is no disclosure in *Matsumoto* that teaches or suggests this claim element. As such, Appellants respectfully submit that *Matsumoto* fails to cure the deficiencies of the teachings of *Watanabe* and *Freeman*. None of the references cited by the Examiner, either alone or in combination, assuming these references are combinable, which Appellants do not admit, teach or suggest this claim element.

Additionally, Appellants maintain their position as asserted with regard to claim 1 that the combination of *Watanabe* and *Freeman* fail to teach or suggest a wireless communication device which communicates with the electronic camera to receive image data and, further, there is no motivation to combine the *Watanabe* and *Freeman* references.

b. The Rejection Fails to Provide Valid Motivation to Modify the Teachings of *Watanabe* with the Teachings of *Matsumoto*

Regarding the Examiner's motivation to combine the references, Appellants respectfully disagree with the Examiner's assertions. The Examiner purports to combine the teachings of the image display/storage unit of *Matsumoto* with the teachings of the stationary type VTR of the *Watanabe*. However, it is respectfully submitted that one of ordinary skill would not seek to classify images that may be stored on a video tape recorder in the manner disclosed by *Matsumoto*. In making this purported modification, a substantial modification in the functionality of the *Watanabe* reference necessarily need to be made, and, ultimately, would render the apparatus of *Watanabe* inoperative.

Further, if the proposed modification or combination of the prior art would change the principle operation of operation of the prior art being modified, then the teachings of the reference are not sufficient to render the claims *prima facie* obvious.¹ The purported modification, namely, to alter the sequential analog storage device of *Watanabe* to store the digital file structure of *Matsumoto* would change the principle mode of operation of the *Watanabe* VTR. Additionally, to suggest accessing information on the sequential storage device of *Watanabe* by using the file albums of *Matsumoto* would not be practically operable, as, for example, it would take too long to access any of the data stored on the tape.

As such, it is respectfully submitted that there is no motivation to combine the references as suggested by the Examiner.

For all of the reasons noted above, claim 2 is not obvious over the references cited by the Examiner.

¹ In re Ratti, 270 F.2.d 810, 123 USPQ 439 (CCPA 1959).

3. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 5

Independent claim 5 is directed to an electronic camera. The electronic camera includes a body; a taking lens; an imaging device which converts a light which has entered the electronic camera through the taking lens into electric signals; a recording device which records an image captured by the imaging device in a storage medium; a wireless communication device which transmits image data; a control part provided to the body, the control part being operated by a user, operational directions over an external device being entered through the control part; and an operation information outputting device which transmits, through the wireless communication device, operation information corresponding with operation of the control part to the external apparatus to remotely control the external apparatus.

In support of the Examiner's rejection of claim 2, the Examiner asserts in Paper 17, page 5, lines 20-23 as follows:

Matsumoto further discloses a taking lens (202), CCD (203) that serves as an imaging device, and CCD controller (206) that serves as a recording device that records a captured image in storage unit (104) (col. 8, lines 44-48, 56-59). All of these parts are notoriously well known camera elements.

Appellants respectfully disagree that these arguments rise to the level of *prima facie* obviousness. The Examiner fails to provide any motivation for combining these elements. Further, as noted above, Appellants maintain their position that the combination of *Watanabe* and *Freeman* fail to teach or suggest a wireless communication device which communicates with the electronic camera to receive image data, as set forth above with regard to claim 1, and that there is no motivation to combine the *Watanabe/Freeman* references and the *Watanabe/Matsumoto* references.

For all of the reasons noted above, the cited references fail to render the combination of elements of claim 5 obvious as asserted by the Examiner.

4. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 7

Claim 7 depends indirectly from claim 5. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* and *Matsumoto* fails to establish *prima facie* obviousness of claim 7 for at least the reasons set forth above concerning claim 5. Appellants also submit that dependent claim 7 is separately patentable and offers the following additional argument for the invention of claim 7.

As discussed above with regard to claim 5, neither of the references, either alone or in combination teach or suggest “a wireless communication device which transmits image data.” As the Examiner has failed to provide a reference that teaches or suggests the element of claim 5, in combination with the elements as recited in claim 7, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 7 is patentable over the references as cited by the Examiner.

5. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 9

Independent claim 9 is directed to a remote-control operation system for an external apparatus, the system comprising an electronic camera and the external apparatus. The system includes an electronic camera which comprises a body; a taking lens; an imaging device which converts a light which has entered the electronic camera through the taking lens into electric signals; a recording device which records an image captured by the imaging device in a storage medium; a first wireless communication device which transmits image data; a control part provided to the body, the control part being operated by a user, operational directions over the

external device being entered through the control part; and an operation information outputting device which transmits operation information corresponding with operation of the control part to the external apparatus to remotely control the external apparatus. The system further includes an external device which comprises a second wireless communication device which communicates with the first wireless communication device; and a processor configured to classify images received from the electronic camera into image groups according to accessory information attached to the images and display virtual folders, each of the virtual folders comprising each of the image groups, wherein the external apparatus operates according to the operation information received from the electronic camera.

As noted above with regard to claim 2, there is no teaching or suggest in *Matsumoto* that is directed to a processor configured to classify images received from the electronic camera into image groups according to the accessory information, each of the virtual folders comprising each of the image groups. As such, Appellants respectfully submit that *Matsumoto* fails to cure the deficiencies of the teachings of *Watanabe* and *Freeman* by failing to teach or suggest a processor configured to classify images received from the electronic camera into image groups according to accessory information attached to the images and display virtual folders, each of the virtual folders comprising each of the image groups. None of the references cited by the Examiner, either alone or in combination, assuming these references are combinable, which Appellants do not admit, teach or suggest this claim element.

Additionally, Appellants maintain their position that the combination of *Watanabe* and *Freeman* fail to teach or suggest a wireless communication device which communicates with the electronic camera to receive image data, as set forth above with regard to claim 1, and further there is no motivation to combine the *Watanabe/Freeman* references and the

Watanabe/Matsumoto references. Further, as noted above with regard to claim 2, there is no motivation to combine the teachings as asserted by the Examiner.

For all of the reasons noted above, claim 9 is not obvious over the references cited by the Examiner.

6. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 11

Independent claim 11 is directed to a remote-control operation system for an external apparatus, the system comprising an electronic camera and the external apparatus. The system includes an electronic camera comprising a body; a taking lens; an imaging device which converts a light which has entered the electronic camera through the taking lens into electric signals; a recording device which records an image captured by the imaging device in a storage medium; a first wireless communication device which transmits image data; a control part provided to the body, operational directions over the external device being entered through the control part; and an operation information outputting device which transmits operation information corresponding with operation of the control part to the external apparatus to remotely control the external apparatus.

The system further includes an external device comprising a memory having program instructions; a second wireless communication device which communicates with the first wireless communication device; and a processor responsive to the program instructions, configured to classify images received from the electronic camera into image groups according to accessory information attached to the images and displays virtual folders, each of the virtual folders comprising each of the image groups, wherein the external apparatus operates according to the operation information received from the electronic camera.

As noted above with regard to claim 2, there is no teaching or suggest in *Matsumoto* that is directed to a processor configured to classify images received from the electronic camera into image groups according to the accessory information, each of the virtual folders comprising each of the image groups. As such, Appellants respectfully submit that *Matsumoto* fails to cure the deficiencies of the teachings of *Watanabe* and *Freeman* by failing to teach or suggest a processor responsive to the program instructions, configured to classify images received from the electronic camera into image groups according to accessory information attached to the images and displays virtual folders, each of the virtual folders comprising each of the image groups. None of the references cited by the Examiner, either alone or in combination, assuming these references are combinable, which Appellants do not admit, teach or suggest this claim element.

Additionally, Appellants maintain their position that the combination of *Watanabe* and *Freeman* fail to teach or suggest a wireless communication device which communicates with the electronic camera to receive image data, as set forth above with regard to claim 1, and further there is no motivation to combine the *Watanabe/Freeman* references and the *Watanabe/Matsumoto* references. Further, as noted above with regard to claim 2, there is no motivation to combine the teachings as asserted by the Examiner.

For all of the reasons noted above, claim 11 is not obvious over the references cited by the Examiner.

7. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 15

Independent claim 15 is directed to an external apparatus remotely controlled by an electronic camera, the external apparatus including a memory having program instructions; a wireless communication device for communicating with an electronic camera, including receiving and storing image data and information relating to the image data from the electronic

camera; a processor, responsive to the program instructions, configured to automatically classify images received from the electronic camera into image groups according to the information relating to the image data and create virtual folders for the groups classified, respectively; and a display for displaying the virtual folders.

As noted above with regard to claim 2, there is no teaching or suggest in *Matsumoto* that is directed to a processor configured to classify images received from the electronic camera into image groups according to the accessory information, each of the virtual folders comprising each of the image groups. As such, Appellants respectfully submit that *Matsumoto* fails to cure the deficiencies of the teachings of *Watanabe* and *Freeman* by failing to teach or suggest a processor, responsive to the program instructions, configured to automatically classify images received from the electronic camera into image groups according to the information relating to the image data and create virtual folders for the groups classified, respectively. None of the references cited by the Examiner, either alone or in combination, assuming these references are combinable, which Appellants do not admit, teach or suggest this claim element.

Additionally, Appellants maintain their position that the combination of *Watanabe* and *Freeman* fail to teach or suggest a wireless communication device which communicates with the electronic camera to receive image data, as set forth above with regard to claim 1, and further there is no motivation to combine the *Watanabe/Freeman* references and the *Watanabe/Matsumoto* references. Further, as noted above with regard to claim 2, there is no motivation to combine the teachings as asserted by the Examiner.

For all of the reasons noted above, claim 15 is not obvious over the references cited by the Examiner.

8. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 17

Independent claim 17 is directed to an electronic camera. The electronic camera includes a body; a taking lens; an imaging device which converts a light which has entered the electronic camera through the taking lens into electric signals; a recording device which records an image captured by the imaging device in a storage medium; a wireless communication device which transmits image data; a control part provided to the body, operational directions over an external device being entered through the control part; and an operation information outputting device which further transmits, through the wireless communication device, operation information corresponding with operation of the control part to the external apparatus to remotely control the external apparatus.

Appellants respectfully disagree that Examiners arguments rise to the level of *prima facie* obviousness. The Examiner fails to provide any motivation for combining these elements. Further, as noted above, Appellants maintain their position that the combination of *Watanabe* and *Freeman* fail to teach or suggest a wireless communication device which communicates with the electronic camera to receive image data, as set forth above with regard to claim 1, and that there is no motivation to combine the *Watanabe/Freeman* references and the *Watanabe/Matsumoto* references.

For all of the reasons noted above, claim 17 is not obvious over the references cited by the Examiner.

9. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 18

Claim 18 depends directly from claim 15. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* and *Matsumoto* fails

to establish *prima facie* obviousness of claim 18 for at least the reasons set forth above concerning claim 15. Appellants also submit that dependent claim 18 is separately patentable and offers the following additional argument for the invention of claim 18.

As discussed above with regard to claim 15, neither of the references, either alone or in combination teach or suggest “a processor, responsive to the program instructions, configured to automatically classify images received from the electronic camera into image groups according to the information relating to the image data and create virtual folders for the groups classified, respectively” nor “a wireless communication device for communicating with an electronic camera including receiving and storing image data.” As the Examiner has failed to provide a reference that teaches or suggests the element of claim 15, in combination with the elements as recited in claim 18, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 18 is patentable over the references as cited by the Examiner.

10. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 19

Claim 19 depends directly from claim 15. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* and *Matsumoto* fails to establish *prima facie* obviousness of claim 19 for at least the reasons set forth above concerning claim 15. Appellants also submit that dependent claim 19 is separately patentable and offers the following additional argument for the invention of claim 19.

As discussed above with regard to claim 15, neither of the references, either alone or in combination teach or suggest “a processor, responsive to the program instructions, configured to automatically classify images received from the electronic camera into image groups according to the information relating to the image data and create virtual folders for the groups classified,

respectively” nor “a wireless communication device for communicating with an electronic camera including receiving and storing image data.” As the Examiner has failed to provide a reference that teaches or suggests the element of claim 15, in combination with the elements as recited in claim 19, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 19 is patentable over the references as cited by the Examiner.

C. Issue (3): The *Watanabe, Freeman, and Peters* Rejection Under 35 U.S.C. § 103(a): The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 20

Claim 20 depends directly from claim 1, 2, 4, 5, 12, and 17. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* and *Matsumoto* fails to establish *prima facie* obviousness of claim 20 for at least the reasons set forth above concerning claims 1, 2, 4, 5, 12, and 17. Appellants also submit that dependent claim 20 is separately patentable and offers the following additional argument for the invention of claim 20.

As discussed above with regard to claim 1, none of the references, either alone or in combination teach or suggest “a wireless communication device which transmits image data”. Further, as discussed above with regard to claim 2, none of the references, either alone or in combination teach or suggest “a processor configured to classify images received from the electronic camera into image groups according to the accessory information, each of the virtual folders comprising each of the image groups” nor “a wireless communication device for communicating with an electronic camera including receiving image data.” It is respectfully submitted that *Peters* fails to cure the deficiencies of the teachings of these references, as *Peters* fails to teach or suggest these claim elements. As the Examiner has failed to provide a reference

that teaches or suggests the element of claim 20, in combination with the elements as recited in claims 1, 2, 4, 5, 12, or 17, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 20 is patentable over the references as cited by the Examiner.

D. Issue (4): The *Watanabe, Freeman, Matsumoto, and Peters* Rejection Under 35 U.S.C. § 103(a)

1. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 20

Claim 20 depends directly from claim 1, 2, 4, 5, 12, and 17. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* and *Matsumoto* fails to establish *prima facie* obviousness of claim 20 for at least the reasons set forth above concerning claims 1, 2, 4, 5, 12, and 17. Appellants also submit that dependent claim 20 is separately patentable and offers the following additional argument for the invention of claim 20.

As discussed above with regard to claim 1, none of the references, either alone or in combination teach or suggest “a wireless communication device which transmits image data”. Further, as discussed above with regard to claim 2, none of the references, either alone or in combination teach or suggest “a processor configured to classify images received from the electronic camera into image groups according to the accessory information, each of the virtual folders comprising each of the image groups” nor “a wireless communication device for communicating with an electronic camera including receiving image data.” It is respectfully submitted that *Peters* fails to cure the deficiencies of the teachings of these references, as *Peters* fails to teach or suggest these claim elements. As the Examiner has failed to provide a reference that teaches or suggests the element of claim 20, in combination with the elements as recited in

claims 1, 2, 4, 5, 12, or 17, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 20 is patentable over the references as cited by the Examiner.

2. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 21

Claim 21 depends directly from claims 9 and 11. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman*, *Matsumoto*, and *Peters* fails to establish *prima facie* obviousness of claim 21 for at least the reasons set forth above concerning claims 9 and 11. Appellants also submit that dependent claim 21 is separately patentable and offers the following additional argument for the invention of claim 21.

As discussed above with regard to claim 9, none of the references, either alone or in combination teach or suggest “a wireless communication device which transmits image data” nor a “processor configured to classify images received from the electronic camera into image groups according to accessory information attached to the images and display virtual folders, each of the virtual folders comprising each of the image groups.” As the Examiner has failed to provide a reference that teaches or suggests the element of claim 9, in combination with the elements as recited in claim 21, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 21 is patentable over the references as cited by the Examiner.

3. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claim 22

Claim 22 depends directly from claim 15. Appellants submit that the rejection under 35 U.S.C. §103(a) based on the combination of *Watanabe* in view of *Freeman* and *Matsumoto* fails

to establish *prima facie* obviousness of claim 22 for at least the reasons set forth above concerning claim 15. Appellants also submit that dependent claim 22 is separately patentable and offers the following additional argument for the invention of claim 22.

As discussed above with regard to claim 15, neither of the references, either alone or in combination teach or suggest “a processor, responsive to the program instructions, configured to automatically classify images received from the electronic camera into image groups according to the information relating to the image data and create virtual folders for the groups classified, respectively” nor “a wireless communication device for communicating with an electronic camera including receiving and storing image data.” As the Examiner has failed to provide a reference that teaches or suggests the element of claim 15, in combination with the elements as recited in claim 22, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103. Thus, claim 19 is patentable over the references as cited by the Examiner.

E. Issue (5): The *Watanabe, Freeman and Peters* Rejection Under 35 U.S.C. § 103(a)

1. Argument Summary

The reasoning provided in support of the rejection of claim 23 under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe, Freeman and Peters* fails to establish *prima facie* obviousness. Generally, the deficiencies of the rejection are that the rejection attributes certain claimed features to the references that a detailed reading of the reference reveals are not taught therein and that there is no motivation to combine the references as asserted by the Examiner.

The legal requirements for establishing *prima facie* obviousness are set forth above.

2. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 23
 - a. The Cited References Fail to Teach or Suggest All of the Claim Elements

Independent claim 23 is directed to an electronic camera including a body; a control part provided to the body, the control part operated by a user; and a wireless communication device which transmits image data, wherein the wireless communication device transmits operation information corresponding with operation of the control part to an external apparatus to remotely control the external apparatus, and wherein the wireless communication device transmits at least one of the image data and the operation information automatically when the camera is within a predetermined distance of the external apparatus.

In support of the Examiner's rejection of claim 23, the Examiner merely recites:

See the rejection of claims 1 and 20 above.

Appellants are confused by this statement. While claim 20 recites "wherein the wireless communication device automatically initiates communication with the external device without any action by the user when the camera is within a predetermined distance of the external apparatus," as noted above claim 23 recites, inter alia, "wherein the wireless communication device transmits at least one of the image data and the operation information automatically when the camera is within a predetermined distance of the external apparatus." As such, it appears that the Examiner has failed to properly consider all of the claim elements.

Further, it is respectfully submitted that the teachings of *Peters* is insufficient to cure the deficiencies of the teachings of *Watanabe* and *Freeman*. The disclosure of *Peters* is directed to an address resolution in Ad-hoc networking. *Peters* teaches at col. 6, lines 44-47 as follows:

“Bluetooth” is a recently-developed technique that enables device containing radio modems to be automatically detected upon coming into radio proximity with one or more other similarly-equipped devices.

However, it is respectfully submitted that this teaching is insufficient to teach or suggest transmitting at least one of the image data and the operation information automatically when the camera is within a predetermined distance of the external apparatus. *Peters* merely teaches detecting other devices that include radio modems when coming into radio proximity. There is no disclosure in *Peters* that teaches or suggests that image data or operation information automatically when the camera is within a predetermined distance of the external apparatus.

Further, as noted above with regard to claim 1, there is no teaching or suggestion to support “a wireless communication device which transmits image data.”

As *Peters* fails to cure the deficiencies of the teachings of *Watanabe* and *Freeman*, it is respectfully submitted that claim 23 is not obvious over the references as cited by the Examiner.

b. There is No Motivation to Combine the References As Cited by the Examiner

Appellants respectfully submit that there is no motivation to use the teachings of *Watanabe* in combining the Bluetooth unit of *Peters*. *Watanabe* seeks to provide a reproducing apparatus which can be produced at a low cost and which is simply operable for carrying out an editing function for editing information signals recorded on a recording medium. (*Watanabe*, col. 5, lines 43-48). By including in the VTR of *Watanabe* a radio modem that is capable of receiving digital data would appear to teach away from the object of *Watanabe* to provide a low cost and simply operable device.

As there is no motivation to combine the teachings of the references, it is respectfully submitted that claim 23 is not obvious over the references as cited by the Examiner.

F. Issue (6): The *Watanabe, Freeman, Matsumoto, and Peters* Rejection Under 35 U.S.C. § 103(a)

1. Argument Summary

The reasoning provided in support of the rejection of claim 24 under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe, Freeman, Matsumoto, and Peters* fails to establish *prima facie* obviousness. Generally, the deficiencies of the rejection are that the rejection attributes certain claimed features to the references that a detailed reading of the reference reveals are not taught therein and that there is no motivation to combine the references as asserted by the Examiner.

The legal requirements for establishing *prima facie* obviousness are set forth above.

2. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 24

a. The Cited References Fail to Teach or Suggest All of the Claim Elements

Independent claim 24 is directed to a method for wirelessly transmitting image data from an electronic camera to a remote device. The method includes storing image data captured by an imaging device in a storage medium; receiving operational directions through a control part of the electronic camera; determining that the electronic camera is within a predetermined distance of an external apparatus; and automatically transmitting image data wirelessly from the electronic camera to the external apparatus based upon the determination that the electronic camera is within a predetermined distance of the electronic apparatus.

In support of the Examiner's rejection of claim 24, the Examiner merely recites:

See the rejection of claims 5 and 20 above.

Appellants are confused by this statement. Again, while claim 20 recites "wherein the wireless communication device automatically initiates communication with the external device

without any action by the user when the camera is within a predetermined distance of the external apparatus,” as noted above claim 24 recites, *inter alia*, “determining that the electronic camera is within a predetermined distance of an external apparatus; and automatically transmitting image data wirelessly from the electronic camera to the external apparatus based upon the determination that the electronic camera is within a predetermined distance of the electronic apparatus.” As such, it appears that the Examiner has failed to properly consider all of the claim elements.

Further, it is respectfully submitted that the teachings of *Peters* is insufficient to cure the deficiencies of the teachings of *Watanabe* and *Freeman*. The disclosure of *Peters* is directed to an address resolution in Ad-hoc networking. *Peters* teaches at col. 6, lines 44-47 as follows:

“Bluetooth” is a recently-developed technique that enables device containing radio modems to be automatically detected upon coming into radio proximity with one or more other similarly-equipped devices.

However, it is respectfully submitted that this teaching is insufficient to teach or suggest automatically transmitting image data wirelessly from the electronic camera to the external apparatus based upon the determination that the electronic camera is within a predetermined distance of the electronic apparatus. *Peters* merely teaches detecting other devices that include radio modems when coming into radio proximity. There is no teaching or suggestion of automatically transmitting image data wirelessly from the electronic camera to the external apparatus based upon the determination that the electronic camera is within a predetermined distance of the electronic apparatus.

Further, as noted above with regard to claim 1, there is no teaching or suggestion to support “a wireless communication device which transmits image data.”

As *Peters* fails to cure the deficiencies of the teachings of *Watanabe* and *Freeman*, it is respectfully submitted that claim 24 is not obvious over the references as cited by the Examiner.

b. There is No Motivation to Combine the References As Cited by the Examiner

Appellants respectfully submit that there is no motivation to use the teachings of *Watanabe* in combining the Bluetooth unit of *Peters*. *Watanabe* seeks to provide a reproducing apparatus which can be produced at a low cost and which is simply operable for carrying out an editing function for editing information signals recorded on a recording medium. (*Watanabe*, col. 5, lines 43-48). By including in the VTR of *Watanabe* a radio modem that is capable of receiving digital data would appear to teach away from the object of *Watanabe* to provide a low cost and simply operable device.

As there is no motivation to combine the teachings of the references, it is respectfully submitted that claim 24 is not obvious over the references as cited by the Examiner.

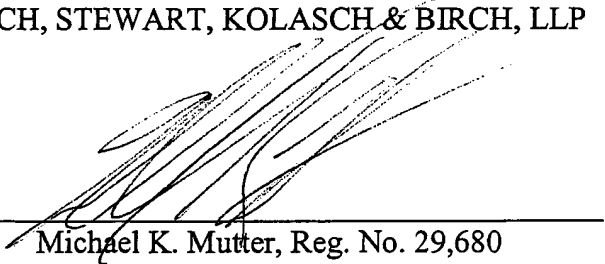
X. CONCLUSION

For the reasons specifically set forth above, the outstanding rejections set forth in the Final Office Action should be reversed.

Respectfully submitted,

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Appendix of Claims

1. (Previously Presented) An electronic camera, comprising:

a body;

a control part provided to the body, the control part being operated by a user; and

a wireless communication device which transmits image data,

wherein the wireless communication device further transmits operation information corresponding with operation of the control part to an external apparatus to remotely control the external apparatus; and

wherein the wireless communication device transmits at least one of the image data and the operation information when the camera is within a predetermined distance of the external apparatus.

2. (Previously Presented) An external apparatus which is remotely controlled by an electronic camera, the external apparatus comprising:

a wireless communication device which communicates with the electronic camera to receive image data and accessory information attached to the image data, the wireless communication device further receiving operation information corresponding with operation of a control part provided to the electronic camera, the control part being operated by a user;

a processor configured to classify images received from the electronic camera into image groups according to the accessory information and create virtual folders, each of the virtual folders comprising each of the image groups; and

a displaying device which displays the virtual folders.

3. (Previously Presented) The electronic camera as set forth in claim 1, further comprising:

a storing device that stores identification information for specifying the external apparatus;

a specifying device that specifies the external apparatus from the identification information stored in the storing device; and

an encoding device that encodes, according to the identification information, at least one of the image data and the operation information.

4. (Previously Presented) An external apparatus which is remotely controlled by an electronic camera, the external apparatus comprising:

a wireless communication device which communicates with the electronic camera, including receiving image data and operation information corresponding with operation of a control part provided to the electronic camera, the control part being operated by a user, at least one of the image data and the operation information being encoded according to identification information of the external apparatus; and

a decoding device that decodes, according to the identification information, the encoded data received from the electronic camera.

5. (Previously Presented) An electronic camera, comprising:

a body;

a taking lens;

an imaging device which converts a light which has entered the electronic camera through the taking lens into electric signals;

a recording device which records an image captured by the imaging device in a storage medium;

a wireless communication device which transmits image data;

a control part provided to the body, the control part being operated by a user, operational directions over an external device being entered through the control part; and

an operation information outputting device which transmits, through the wireless communication device, operation information corresponding with operation of the control part to the external apparatus to remotely control the external apparatus.

6. (Previously Presented) The external apparatus as set forth in claim 4, the external apparatus further comprising:

a displaying device which displays the image.

7. (Previously Presented) The electronic camera as set forth in claim 5, further comprising:

a storing device that stores identification information for specifying the external apparatus;

a specifying device that specifies the external apparatus from the identification information stored in the storing device; and

an encoding device that encodes, according to the identification information, at least one of the image data and the operation information.

8. (Canceled).

9. (Previously Presented) A remote-control operation system for an external apparatus, the system comprising an electronic camera and the external apparatus, wherein:

an electronic camera comprises:

a body;

a taking lens;

an imaging device which converts a light which has entered the electronic camera through the taking lens into electric signals;

a recording device which records an image captured by the imaging device in a storage medium;

a first wireless communication device which transmits image data;

a control part provided to the body, the control part being operated by a user, operational directions over the external device being entered through the control part; and

an operation information outputting device which transmits operation information corresponding with operation of the control part to the external apparatus to remotely control the external apparatus, and

the external device comprises:

a second wireless communication device which communicates with the first wireless communication device; and

a processor configured to classify images received from the electronic camera into image groups according to accessory information attached to the images and display virtual folders, each of the virtual folders comprising each of the image groups,

wherein the external apparatus operates according to the operation information received from the electronic camera.

10. (Previously Presented) The electronic camera as set forth in claim 1, wherein the control part comprises an operation key.

11. (Previously Presented) A remote-control operation system for an external apparatus, the system comprising an electronic camera and the external apparatus, wherein:

an electronic camera comprises:

a body;

a taking lens;

an imaging device which converts a light which has entered the electronic camera through the taking lens into electric signals;

a recording device which records an image captured by the imaging device in a storage medium;

a first wireless communication device which transmits image data;

a control part provided to the body, operational directions over the external device being entered through the control part; and

an operation information outputting device which transmits operation information corresponding with operation of the control part to the external apparatus to remotely control the external apparatus, and

the external device comprises:

a memory having program instructions;

a second wireless communication device which communicates with the first wireless communication device; and

a processor responsive to the program instructions, configured to classify images received from the electronic camera into image groups according to accessory information attached to the images and displays virtual folders, each of the virtual folders comprising each of the image groups,

wherein the external apparatus operates according to the operation information received from the electronic camera.

12. (Previously Presented) An electronic camera comprising:

a body;

a control part provided to the body; and

a wireless communication device which transmits image data and information relating to image data for storage on an external apparatus,

wherein the wireless communication device further transmits operation information corresponding with operation of the control part to the external apparatus to remotely control the external apparatus.

13. (Previously Presented) The electronic camera as set forth in claim 10, further comprising:

a storing device that stores identification information for specifying the external apparatus;

a specifying device that specifies the external apparatus from the identification information stored in the storing device; and

an encoding device that encodes the image data and the operation information according to the identification information.

14. (Previously Presented) The electronic camera as set forth in claim 10, wherein the transmission of image data and information relating to image data for storage on the external

apparatus occurs when the electronic camera is within a predetermined distance of the external apparatus.

15. (Previously Presented) An external apparatus remotely controlled by an electronic camera, the external apparatus comprising:

a memory having program instructions;

a wireless communication device for communicating with an electronic camera, including receiving and storing image data and information relating to the image data from the electronic camera;

a processor, responsive to the program instructions, configured to automatically classify images received from the electronic camera into image groups according to the information relating to the image data and create virtual folders for the groups classified, respectively; and

a display for displaying the virtual folders.

16. (Previously Presented) The external apparatus as set forth in claim 13, wherein the wireless communication device receives image data and information relating to the image data when the electronic camera is within a predetermined distance of the external apparatus.

17. (Previously Presented) An electronic camera comprising:

a body;

a taking lens;

an imaging device which converts a light which has entered the electronic camera through the taking lens into electric signals;

a recording device which records an image captured by the imaging device in a storage medium;

a wireless communication device which transmits image data;

a control part provided to the body, operational directions over an external device being entered through the control part; and

an operation information outputting device which further transmits, through the wireless communication device, operation information corresponding with operation of the control part to the external apparatus to remotely control the external apparatus.

18. (Previously Presented) The electronic camera as set forth in claim 15, further comprising:

a storing device that stores identification information for specifying the external apparatus;

a specifying device that specifies the external apparatus from the identification information stored in the storing device; and

an encoding device that encodes the image data and the operation information according to the identification information.

19. (Previously Presented) The electronic camera as set forth in claim 15, wherein the transmission of image data and information relating to image data for storage on the external apparatus occurs when the electronic camera is within a predetermined distance of the external apparatus.

20. (Previously Presented) The electronic camera of one of claims 1, 2, 4, 5, 12, and 17 wherein the wireless communication device automatically initiates communication with the

external device without any action by the user when the camera is within a predetermined distance of the external apparatus.

21. (Previously Presented) The system as set forth in one of claims 9 and 11, wherein the first wireless communication device automatically initiates communication with the second wireless communication device without any action by the user when the electronic camera comes within a predetermined distance of the external apparatus.

22. (Previously Presented) The external apparatus of claim 15, wherein the electronic camera automatically initiates communication with the external device without any action by the user when the camera is within a predetermined distance of the external apparatus.

23. (Previously Presented) An electronic camera comprising:

a body;

a control part provided to the body, the control part operated by a user; and

a wireless communication device which transmits image data, wherein the wireless communication device transmits operation information corresponding with operation of the control part to an external apparatus to remotely control the external apparatus, and wherein the wireless communication device transmits at least one of the image data and the operation information automatically when the camera is within a predetermined distance of the external apparatus.

24. (Previously Presented) A method for wirelessly transmitting image data from an electronic camera to a remote device comprising:

storing image data captured by an imaging device in a storage medium;

receiving operational directions through a control part of the electronic camera;

determining that the electronic camera is within a predetermined distance of an external apparatus; and

automatically transmitting image data wirelessly from the electronic camera to the external apparatus based upon the determination that the electronic camera is within a predetermined distance of the electronic apparatus.